

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ADVANCE TUNER WAREHOUSE, INC.,
Plaintiff,
v.
U.S. TECHNOLOGY PRODUCT SDN BHD,
Defendant.

Case No. 2:15-cv-02109-GMN-PAL

ORDER

(Mot. WD – ECF No. 16)

This matter is before the court on Attorneys Merritt Blakeslee and Robert W. Hernquist's Motion to Withdraw as Counsel of Record for Advance Tuner Warehouse, Inc., d/b/a NRG Innovations (ECF No. 16). The motion represents that counsel was requested by Plaintiff to relinquish control of this case to its new counsel, Mr. Lawrence P. House. However, Mr. House has refused to sign a substitution of attorneys. Additionally, counsel represents that the Plaintiff has not met its financial obligations to pay for legal services provided. Plaintiff's counsel, therefore, filed this motion to withdraw as counsel of record.

A corporation cannot appear except through counsel. *See Rowland v. California Men's Colony*, 506 U.S. 194, 201-02 (1993); *United States v. High Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993). Plaintiff must therefore hire a new attorney in this case.

The complaint in this case was filed November 4, 2015, and summons was returned executed on November 5, 2015. An Amended Complaint (ECF No 14) was filed January 14, 2016 and a certificate of service was filed January 15, 2016. However, no answer or responsive pleading has been filed, and the parties have not applied for an extension of the deadlines to answer or respond. This case is now more than a year old and Plaintiff has not done anything to prosecute it that is reflected on the court's docket. The parties have not received an order extending the time

1 for the Defendant to appear, and the case is languishing on the court's docket. Without counsel for
2 the corporate plaintiff, this case may not proceed.

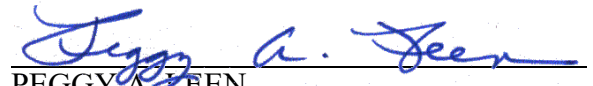
3 Having reviewed and considered the matter, and for good cause shown,

4 **IT IS ORDERED:**

- 5 1. Merritt Blakeslee and Robert W. Hernquist's Motion to Withdraw as Counsel for
6 Plaintiff Advance Tuner Warehouse, Inc. (ECF No. 16) is **GRANTED**.
- 7 2. The plaintiff shall have until **December 9, 2016**, in which to retain substitute
8 counsel who shall make an appearance in accordance with the requirements of the
9 Local Rules of Practice.
- 10 3. Plaintiff's failure to timely comply with this order by obtaining substitute counsel
11 who appears in compliance with the Local Rules of Practice will result in the
12 imposition of sanctions, which may include a recommendation to the District Judge
13 of case dispositive sanctions for failure to prosecute.
- 14 4. The Clerk of the Court shall serve the plaintiff with a copy of this order at its last
15 known address:

16 Advance Tuner Warehouse, Inc.
17 13668 Valley Blvd., Unit F-1
City of Industry, CA 91746

18 DATED this 9th day of November, 2016.

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21 PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE
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